

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

**TIMOTHY JAMES PARSONS and
DENISE ANN PARSONS,**

Debtors.

Case No. **1:20-bk-10127-BPH**

ORDER

In this Chapter 13 bankruptcy, Debtors (“Applicants”) filed an “Application for Payment of Unclaimed Funds” on April 3, 2023, at ECF No. 38 (“Application”). Applicants assert that they are entitled to payment of \$3,771.00 in unclaimed funds currently on deposit with the Court.

11 U.S.C. § 347(a) directs the Chapter 13 trustee to stop payment on any unpaid checks 90 days after a final distribution under 11 U.S.C. § 1326. Afterwards, any remaining funds are paid into the court and disposed of in accordance with chapter 129 of title 28. 11 U.S.C. § 347(a). Under 28 U.S.C. §§ 2041 and 2042, the two sections comprising chapter 129 of title 28, unclaimed funds “must remain in the court registry until their ‘rightful owner’ with ‘full proof’ of entitlement comes to claim them.” *In re Pena*, 600 B.R. 415, 421 (9th Cir. BAP 2019).

Along with the Application, Applicants’ tax identification number (“TIN”) must be provided to the Court on a certification form signed by the Applicant. To provide such information, Applicants must use either the AO 213P or W-9 certification form (accessible by searching on the Internal Revenue Service (IRS) website at: <https://www.irs.gov/>). If a Claimant wants payment via Electronic Funds Transfer (EFT), then the AO 213P form must be used. In addition, Applicants must provide proof of identity (e.g., unredacted copy of driver’s license, other state-issued identification card, or U.S. passport that includes current address).¹

Applicants failed to provide the Court with the AO 213P or W-9, and a proof of identification². In order to receive the unclaimed funds requested, Applicants must file the required documents. Accordingly,

¹ A complete breakdown of the filing requirements to accompany the Application can be found at: https://www.mtb.uscourts.gov/sites/mtb/files/Instructions_Application_Withdrawal_UnclaimedFunds.pdf

² Although the forgoing is personal identifying information, the information will not be available to the public because it will not appear in the public docket.

IT IS ORDERED that be entitled to the unclaimed funds, Applicants shall file the AO 213P or a W-9, and a proof of identification on or before **Wednesday, May 17, 2023**. If Applicants fail to file the required documents on or before May 17, 2023, the Application will be denied without prejudice.

Dated May 4, 2023.

BY THE COURT:



Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana